IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11399 of 1997

Between:

A.Satyanarayana
S/o.Rajaiah
Munsif Magistrate Court,
Jagtial, Karimnagar Dist.

.....
PETITIONER

AND

1. The High Court of Andhra Pradesh,
   High Court Buildings, Hyderabad
   rep. by its Registrar (Management)
2. The District & Sessions Judge,
   Karimnagar, Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ, order or direction calling for the records relating to the proceedings in order Dis.No.5721/PR.150/94-Admn./DCK Dt.24/06/1995 of the
2nd respondent as confirmed by the 1st respondent on Administrative side vide proceedings in Order Roc.No.4710/95-C.II/1, Dt.19/06/1996 and quash the same as illegal, arbitrary and unconstitutional by holding that the initiation of enquiry and the process of enquiry conducted by the enquiry officer is vitiated since the same is held as

per APCS (CCA) Rules, 1963 which are repealed and also contrary to the principles of natural justice.

For the Petitioner :MR.T.SURYA KARAN REDDY, Advocate.

For the Respondents:SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

Petitioner has questioned the order passed by the District and Sessions Judge, Karimnagar, holding that the delinquent intentionally refusing to water the plants as per the instructions of the Magistrate and failing to submit medical certificate about his illness and disobedient and thus committed dereliction of duties and imposed the punishment of stoppage of two increments with cumulative effect. Of course, the appeal preferred by the petitioner was dismissed by the A.P. High Court on the administrative side. The charge against the petitioner was that while he was working as Attender, he had applied for casual leave on 08-07-1994 and availment of public holiday on

9th and 10th July, 1994, which was rejected on administrative grounds. Though the petitioner was aware of the fact that his application was rejected, he did not attend office on

8th and 9th July, 1994 and intentionally remained absent. Therefore, a memo was issued on 11-07-1994. Further, he applied for earned leave for 14 days which was granted, joining report was submitted and later, he committed dereliction of duty by not watering plants to which he submitted an explanation that he was sick, but failed to

produce the medical evidence.

Considering the facts and circumstances of the case produced before us, we are of the view that the punishment of stoppage of two increments with cumulative effect is a punishment on higher side and the petitioner ought to have been awarded punishment proportionate to the gravity of the charge and that the punishment is disproportionate.

We allow the writ petition modifying the impugned order to the one of maintaining the punishment of stoppage of two increments, but we set aside that part of the impugned order, which directs that stoppage will be with cumulative effect.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday, the Twenty ninth day of June, Two Thousand and Four.

DEVINDER GUPTA, C.J.

G.ROHINI, J

29-06-2004

bsc

To

1. The Registrar (Management)
   The High Court of Andhra Pradesh,
   High Court Buildings,
   Hyderabad

2. The District & Sessions Judge,
   Karimnagar,
   Karimnagar Dist.

3. Two CD copies